

NOTICE OF EMERGENCY RULEMAKING AND NOTICE OF PUBLIC HEARING FOR REGULATION CHANGE

Notice is hereby given that the Arkansas Pollution Control and Ecology Commission, under provisions of Arkansas Code Annotated, Section 8-4-202 (e) (1), made a formal finding on March 26, 2004, that an emergency rulemaking action is necessary regarding Commission Regulation No. 30, the Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List. The Commission adopted, for up to 180 days on an emergency basis, the addition of a new site to the regulation's Priority List. In addition to temporarily adopting the changes to Regulation No. 30 on an emergency basis, the Commission instituted its regular rulemaking procedures to schedule a public hearing May 6 2004 to receive comments regarding the permanent adoption of the change.

The public hearing to receive comments on the proposed change to Regulation No. 30 will begin at 2:00 p.m. May 6, 2004, in the Arkansas Department of Environmental Quality's (ADEQ) Building D Training Room, 8101 Interstate 30, Little Rock. Commission authority to adopt regulations regarding Regulation No. 30 is found in Arkansas Code Annotated, Section 8-7-509, et seq.

The proposed change to Regulation No. 30 involves the addition of the former U.S. Forgecraft facility at Fort Smith to the Priority List. The abandoned facility, currently in bankruptcy proceedings, was recently found to have significant quantities of unsecured hazardous substances on site, as well as indications of possible migration of hazardous substances from the site. Remedial actions involving the initial use of state funds at the site will be necessary to address the situation, and the costs of those actions are expected to exceed limits placed on the state Emergency Response Fund administered by the ADEQ. Additional funds for hazardous substance remedial actions are available from the state Remedial Action Trust Fund (RATF), also administered by the ADEQ, but facilities must first be added to the Regulation 30 Priority List before becoming eligible for the RATF monies.

Copies of the emergency and proposed permanent changes to Regulation No. 30 are available for public inspection during normal business hours at the ADEQ Customer Service Division in Building D, 8101 Interstate 30 in Little Rock, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Russellville, Pocahontas, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library located on the State Capitol grounds in Little Rock. In addition, a copy of the regulation showing the emergency and proposed permanent changes is available for viewing or downloading at the ADEQ's Internet web site at www.adeq.state.ar.us .

Oral and written comments will be accepted at the hearing, but written comments are preferred in the interests of accuracy. In addition, written or electronic mail comments will be accepted if submitted no later than 4:30 p.m. May 20, 2004. Written comments should be sent to Doug Szenher, Customer Service Division, Arkansas Department of Environmental Quality, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments should be sent to reg-comment@adeq.state.ar.us .

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